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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/614,584	07/12/2000	Satoru Okada	018987-029	2307

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EXAMINER

DANG, DUY M

ART UNIT PAPER NUMBER

2621

DATE MAILED: 04/06/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/614,584

Applicant(s)

OKADA, SATORU

Examiner

Duy M Dang

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004 and 23 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-14,16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8, and 10-14 is/are allowed.
- 6) ☒ Claim(s) 16 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's amendment filed 3/23/04 has been entered and made of record.
2. Applicant's amendment and remarks overcome the objection to the specification.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Koba (US Patent No. 6,222,947).

Regarding claim 16, Koba teaches an image processing apparatus (i.e., the “image editing apparatus” generally shown in figures 1-2 and mentioned in col. 1 lines 5-13) comprising:

an image processor for combining a first image and a second image (see col. 1 lines 5-14.

Note that the image editing apparatus for combining images and virtual sheet and outputting a resultant sheet image shown in figure 5F. The “virtual sheet” and “image” refer to first image and second image respectively);

an attribute information obtaining unit for obtaining attribute information that is appended to the first image, the attribute information including suitable size information for the second image to be combined with the first image [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2 (Note the layout size of the image mentioned

Art Unit: 2621

in this cited portion refers to the so called “attribute information”); and figure 5F which shows the images (images denoted at 1-18) combined with the virtual sheets (i.e., page 1 to page 6));

a size information obtaining unit for obtaining original size information showing an original size of the second image [see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2)];

a size adjusting unit for adjusting a size of the second image based on the suitable size information and the original size information [(see col. 6 lines 59 to col. 7 line 3 in combination with figure 5C: this cited port refer to that the image size is changed to reduce the excessive blank space which is a background), also see step S104 (determine layout size of each image) of figure 2 and col. 3 line 66 to col. 4 line 2 (Note that this step S104 does inherently include the functions of magnifying/reducing the image size in order for the image to be fit within a page according to figure 5F (i.e., each page contains a plurality of images each having a different size), and col. 3 lines 55-60 in together with col. 4 line 66 to col. 5 line 2. This interpretation is consistent with Applicant’s disclosure mentioned in page 15 lines 4-7].

Regarding claim 17, it is noted that this claim is a method claim reciting similar features called for in claim 16. Thus, claim 17 is also rejected for the same reasons as set forth in claim 16 above.

Allowable Subject Matter

5. Claims 1, 3-8, and 10-14 are allowed.
6. The following is an examiner’s statement of reasons for allowance:
7. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2621

Regarding claims 1, 8, and 14, the cited prior art (Koba) fails to teach or suggest the features of “ wherein the attribute information shows a post-adjustment size to be used for the adjustable images and the size adjusting unit makes the sizes of the at least one adjustable image approximately equal to the post-adjustment size shown by the attribute information”.

Dependent claims 3-5, and 10-13 are also allowable for the same reasons as above.

Regarding claim 6, the cited prior art (Koba) fails to teach or suggest the features recited on lines 19-29.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duy M Dang whose telephone number is 703-305-1464. The examiner can normally be reached on Monday to Thursday from 6:30AM to 5:00PM..

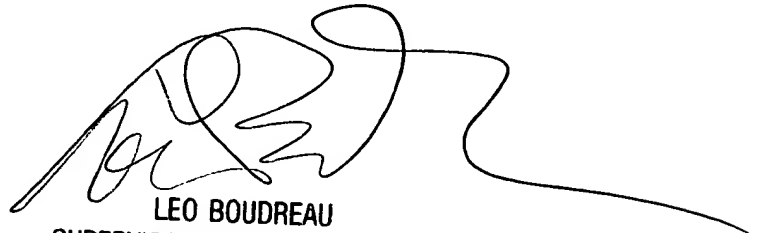
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo H Boudreau can be reached on 703-305-4706. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

dmd

4/4/04



LEO BOUDREAU
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